

Rec'd PCT/PTO 23 FEB 2006

#6

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents; Box: PCT at (571) 273 3201 on 23 February 2005 by

Arlene E Cannon

Arlene E Cannon

Attorney Docket No.: P51381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Axten et al.  
Serial No.: 10/533,502  
Filed: 4 November 2003  
For: Antibacterial Agents

Commissioner for Patents  
Mail Stop: PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
Petition to the Commissioner Under 37 C.F.R. 1.182

Sir

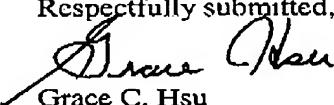
This facsimile is in response to the "Notification of Missing Requirements under 35 U.S.C. 371" mailed on 20 January 2006, which indicates the Oath or Declaration of the inventors for the subject patent application is not in compliance. A copy of the above notice is attached.

Applicant hereby petitions to the Commissioner under 37 C.F.R. 1.182 to have the name of the third inventor Mark Andrew SEEFIELD corrected under 37 C.F.R. 1.182.

An Affidavit of explanation from the inventor is enclosed.

Please charge the \$130.00 petition fee to Deposit Account No. 19-2570. Please charge any additional requisite fees for the filing of the enclosed Declaration or credit any over-payment to Deposit Account No. 19-2570.

Respectfully submitted,

  
Grace C. Hsu  
Attorney for Applicants  
Registration No. 51,336

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Legal Staff  
International Division

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMERCIAL OFFICE FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,502	Jeffrey Michael Axten	P51381
INTERNATIONAL APPLICATION NO.		
PCT/US03/35201		
I.A. FILING DATE	PRIORITY DATE	
11/04/2003	11/05/2002	
CONFIRMATION NO. 4466		
371 FORMALITIES LETTER		
*OC000000017881592*		

Date Mailed: 02/26/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/02/2005
- Copy of the International Search Report filed on 05/02/2005
- Copy of IPE Report filed on 05/02/2005
- Preliminary Amendments filed on 05/02/2005
- Information Disclosure Statements filed on 05/02/2005
- Oath or Declaration filed on 05/02/2005
- Request for Immediate Examination filed on 05/02/2005
- U.S. Basic National Fees filed on 05/02/2005
- Priority Documents filed on 05/02/2005
- Power of Attorney filed on 05/02/2005
- Specification filed on 05/02/2005
- Claims filed on 05/02/2005
- Abstracts filed on 05/02/2005

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The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The name of the 3rd inventor on declaration is different from that of the published application.  
Applicant should submit a Petition under 37 CFR 1.182, with explanation from 3rd inventor to rectify the problem.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,502	PCT/US03/35201	P51381

FORM PCT/DO/EO/905 (371 Formalities Notice)

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Attorney Docket No.: P51381

Applicant: Axtell et al.

Serial No.: 10/533,502

Filed: 4 November 2003

For: Antibacterial Agents

AFFIDAVIT

I Mark Andrew SEEFIELD hereby state that on 4 November 2003 International Application PCT/US2003/035201 was filed with my name incorrectly listed as Mark Anthony SEEFIELD when it should have been listed as Mark Andrew SEEFIELD, the inconsistency in my name occurred by error, without deceptive intent.

Dated this 6<sup>th</sup> day of February 2006.

Mark Andrew Seefield  
Mark Andrew SEEFIELD